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Attorneys for the United States of America

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ETORI HUGHES,

Defendant.

Case No. 2:21-mj-00120-DJA

**ORDER to Continue the Preliminary
Hearing (Fourth Request)**

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, by and through CHRISTOPHER CHIOU, Acting United States Attorney, District of Nevada, and K. NICHOLAS PORTZ, Special Assistant United States Attorney, and Defendant ETORI HUGHES, by and through his counsel KATHRYN NEWMAN, of the Federal Public Defender's Office, that the preliminary hearing currently set for May 24, 2021 at 4:00 p.m., be vacated and set to on or about June 7, 2021, or a date and time convenient to this court, but not earlier than fourteen (14) days.

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1. Defense counsel requests additional time to review the discovery, to meet and confer with her client, and discuss possible dispositions and strategies to prepare for the preliminary hearing.

2. The defendant is incarcerated but does not object to the continuance.

3. Federal Rule of Criminal Procedure 5.1(d) provides that a magistrate judge may extend the limits in Rule 5.1(c) with the defendant's consent and upon a showing of good cause taking into account the public interest in the prompt disposition of criminal cases. Good cause exists to allow the defense additional time to prepare for the preliminary hearing in this matter.

4. The additional time requested by this stipulation is excludable in computing the time within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(b), and considering the factors under Title 18, United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

5. This continuance is not sought for purposes of delay.

6. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interests of the public and the defendant in a speedy trial.

7. This is the parties' fourth request to continue the date of the Preliminary Hearing.

DATED this 14th day of May, 2021.

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ K. Nicholas Portz
K. NICHOLAS PORTZ
Special Assistant United States Attorney

/s/ Kathryn Newman
Kathryn Newman, Esq.
Counsel for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,) Case No. 2:21-mj-00120-DJA
)
Plaintiff,) **Findings and Order on Stipulation**
)
v.)
)
ETORI HUGHES,)
)
Defendant.)
)

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. Defense counsel requests additional time to review the discovery, to meet and confer with her client, and discuss possible dispositions and strategies to prepare for the preliminary hearing.
2. The defendant is incarcerated but does not object to the continuance.
3. Federal Rule of Criminal Procedure 5.1(d) provides that a magistrate judge may extend the limits in Rule 5.1(c) with the defendant's consent and upon a showing of good cause taking into account the public interest in the prompt disposition of criminal cases. Good cause exists to allow the defense additional time to prepare for the preliminary hearing in this matter.
4. The additional time requested by this stipulation is excludable in computing the time within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(b), and considering the factors under Title 18, United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).
5. This continuance is not sought for purposes of delay.

1 6. Denial of this request could result in a miscarriage of justice, and the ends of justice
2 served by granting this request outweigh the best interests of the public and the
3 defendant in a speedy trial.

4 7. This is the parties' fourth request to continue the date of the Preliminary Hearing.

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6 THEREFORE, IT IS HEREBY ORDERED that the Preliminary Examination in the
7 above-captioned matter currently scheduled for May 24, 2021 be vacated and continued to
8 June 14, 2021, at 4:00 p.m. in Courtroom 3A.

9 17th
10 DATED this ____ day of May, 2021.



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12 _____
13 HONORABLE DANIEL J. ALBREGTS
14 United States Magistrate Judge
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